

## REMARKS

In response to the Official Action of 06/09/2003, please consider the above amendments and the following remarks.

An election/restriction requirement was made between Groups I, II, III and IV as explained in paragraph 1, pages 2-5 in the Official Action. Applicants hereby confirm the election made in a telephone conversation with the Examiner on 3/3/2003. Applicants elected the invention of Group I, claims 32-59. The elected species comprise butyl norbornene, 5-tris(ethoxy)silylnorbornene, tetracyclododecadiene, procatalyst 13 shown at page 98, and activator 9 shown at page 106, and that claims 32-42, 44, 45, 48-50, 52 and 55-59 are readable on the elected species.

## REJECTIONS UNDER §112

In paragraph number 5, claims 33-42, 45, 56 and 59 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject invention.

a) Claim 33 and all of the claims dependent on this claim were rejected because R' is defined as a hydrocarbyl ligand but requires it to include hydrogen. The Examiner is correct that it is inconsistent that hydrogen is a hydrocarbyl. For this reason, claim 33 has been amended to recite that R' is hydrogen in addition to an anionic hydrocarbyl ligand.

b) Claim 42 has been amended to state that the claim is directed to "the reactant composition" and not to a method.

c) The Examiner notes that the Group 1 metals as recited in claim 45 cannot be within the scope of claim 44 because this independent claim does not include such metals. There was obviously an omission of "an alkali metal cation" in the specification on page 44, in line 5. This omission in the specification was corrected by inserting said term. The fact that this was an obvious omission is clear from the disclosure on page 45 in lines 11-13 where it is recited "the alkali metal cations include Group 1 metals" and then follows with specific examples of the metals as well as the preferred metals which include lithium, sodium and potassium. Consequently the independent claim 44 has been amended to insert after "proton" the phrase "an alkali metal cation,". Claim 45 has been amended by deleting "Group 1 element" and replacing it with "alkali metal"; deleting in line 2 "a proton" and in line 3 deleting "Group II" and

replacing it with the term "alkaline earth." Now claim 45 is properly dependent on claim 44 and the nomenclature in both claims is consistent. Again, it is noted that these changes are supported by the disclosure on page 45, lines 3-18.

d) The Examiner's comment that claim 41 is not within the scope of parent claim 33 for the reasons explained is correct. Therefore, this was obviously an inadvertent error. Claim 41 has been amended to depend on claim 44 which has basis for "a labile neutral electron donor ligand" in lines 7-8 of claim 44.

### REJECTIONS UNDER §102 AND §103

Before discussing the rejections made under Sections §102 and §103, Applicants wish to call the Examiner's attention to the fact that the instant claims are directed **not** to a polymerization composition but to **a reactant formulation** comprising a polycycloolefin monomer and a Group 10 transition metal procatalyst (claims 32-43, 56, 58 and 59) and to a polycycloolefin monomer and an activator salt (claims 44-55 and 57). Each of the two reactant compositions cannot be polymerized because each composition contains part of the catalyst system but until they are combined, no polymerization can take place. In other words, each above-mentioned reactant compositions are stable compositions which, by themselves, will not enter into a polymerization reaction. In general, the references discussed below and used in the rejections deal with polymerizations and polymerization compositions but they do not disclose nor claim stable reactant compositions that are claimed instantly.

Claims 32 and 56 are rejected under 35 U.S.C. §102(b) as being anticipated by Suld et al. (US 4,100,338). This rejection is respectfully traverse.

First of all, this reference is directed to a process of polymerizing norbornene. In column 1, lines 43-62 it is clearly stated that "Rapid polymerization of NBD is obtained using" a homogeneous catalytic system consisting of a nickel compound and an alkyl aluminum chloride. This reference does not disclose a reactant composition with a procatalyst and a separate reactive composition with an activator salt in a polymerizable polycycloolefin monomer. The reference discloses alkyl aluminum chloride as a cocatalyst which is not present in either of the two types of reactant compositions instantly claimed. Consequently, it is not understood how a rejection can be made under §102 or even under §103 since the claimed compositions are not even

mentioned in this reference. It is respectfully requested that the rejection over this reference be withdrawn.

In paragraph 9, claims 32, 44-51, 55, 57 and 58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson et al. (US 5,714,556). This rejection is respectfully traversed.

In column 12, lines 44-46, it is noted that the disclosed invention deals with the polymerization of ethylene, a styrene and a norbornene. Thus, the monomers involved in the reference are drastically different from those present in the compositions of the instant claims because the present claims involve neither ethylene nor styrene.

Secondly, the said reference deals with the polymerization processes and the polymer produced has an average degree of polymerization of about 10 or more (see column 13, lines 58-62). The present claims do not involve any polymerization whatsoever. As explained above, the present claims are directed to two separate and different reactant compositions.

In view of the fact that this reference does not disclose the compositions instantly claimed and requires two monomers not involved in the instant claims, it is submitted that this rejection is not justified and reconsideration is respectfully requested.

In paragraph 10, claims 32, 44-52, 55, 57 and 58 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okamoto et al. (US 5,629,398). This rejection is respectfully traversed.

The Examiner states in the rejection that the reference shows numerous examples of polymerizable or copolymerizable compositions. The instant claims are not directed to polymerizable compositions but to two different stable compositions, one containing a procatalyst and the other containing an activator salt, both of them being in a polycycloolefin monomer. As already mentioned earlier, neither composition can be polymerized and the Okamoto reference does not disclose two such separate compositions. Aside from that, the procatalyst in claim 33 makes it clear that the transition metal compound has hydrogen or an anionic hydrocarbyl ligand. No such transition metal compounds are disclosed in this reference (see column 7, line 65 to column 8, line 23). Consequently, it is submitted that the presently claimed compositions are not disclosed nor are they obvious in view of the disclosure in the Okamoto et al. reference. Reconsideration and withdrawal of this rejection is respectfully requested.

In view of the above amendments and remarks, it is submitted that all of the claims in the application are allowable over the art of record. Reconsideration and a Notice of Allowance is requested.

Respectfully submitted,

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Attorney Docket No. 1980044B-DIV